

10/12/2004 TUE 9:29 FAX 12489888363 Carlson, Gaskey & Olds

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10/037,852
63428-063

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Filipiak
Serial No.: 10/037,852
Filed: January 4, 2002
Group Art Unit: 3682
Examiner: Van Pelt, Bradley J.
Title: DUAL SPHERICAL BALL CLAMP

REPLY BRIEF

Dear Sir:

Responsive to the Examiner's Answer dated August 10, 2004, please consider the following remarks. The appeal brief fee has already been paid. Any additional fees or credits may be charged or applied to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds.

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REMARKS

Appellant respectfully reiterates all of the arguments made in the Appeal Brief and in previous Office Action responses to address the Examiner's Answer. Additional arguments, prepared in response to new issues raised in the Examiner's Answer, are set forth below.

PATENTABILITY ARGUMENTS

A. The Examiner argues that Chen disclose inclined edge.

In response to appellant's argument that Chen does not disclose opposed inclined edges that define an opening of a pair of sockets, the Examiner has argued that Chen discloses opposing edges and has attached a figure from Chen as Appendix A.

Chen does not disclose opposed inclined edges that each define an opening of a socket. The parts highlighted by the Examiner do not define the opening for a socket as claimed by Appellant. First, the circled parts on the left side of the page do not define openings for the balls as claimed. The surfaces that the Examiner is highlighting are on the exterior of the surface of the assembly 30. Therefore, these surfaces are not capable of defining the opening of a socket as claimed.

Additionally, the circled parts on the right side of the page are also not inclined edges that define openings for balls as claimed. Inclined is defined as deviating from the vertical or the horizontal. In Chen, the circled edges on the right side of Appendix A that define the opening for the sockets are not inclined. Rather, as shown in Figure 4, the opposed edges that define the openings for the sockets are substantially vertical. The edges are vertical, and therefore do not deviate from the vertical or horizontal. The claimed invention is not anticipated by Chen. Therefore, the edges of the socket component are not inclined as claimed by Appellant.

Additionally, the inside surface of the sockets 331 and 341 are not inclined. As shown in Figure 4, the inside surface of the sockets 331 and 341 is curved to form the rounded, spherical surface of the sockets 331 and 341. A curved inner surface is not the same as an inclined edge. Chen does not disclose the claimed invention, and Appellant requests that the rejection be withdrawn.

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B. The Examiner argues that the gap between the halves of Chen is adjustable.

The Examiner states that the gap between the clamp halves of Chen is adjustable because a screw bolt is used. Even if a screw bolt is used, the halves are not necessarily adjustable. Nothing in Chen teaches that the gap between the clamp halves can be adjustable as claimed. Therefore, Chen does not disclose the claimed invention, and the rejection is improper.

CONCLUSION

For the reasons set forth above and in the Appeal Brief, the rejection of all claims is improper and should be reversed.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

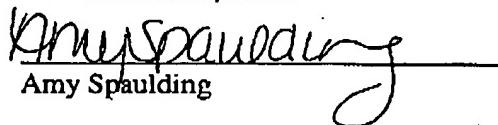


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Dated: October 12, 2004

CERTIFICATE OF FACSIMILE

I hereby certify that this reply brief is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306 on October 12, 2004.


Amy Spaulding